

1 HEATHER N. MEWES (CSB No. 203690)
hmewes@fenwick.com
2 FENWICK & WEST LLP
555 California Street, 12th Floor
3 San Francisco, CA 94104
Telephone: (415) 875-2300
4 Facsimile: (415) 281-1350

5 Attorneys for Defendant
HEWLETT-PACKARD COMPANY

6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 HEWLETT PACKARD COMPANY

13 Plaintiff,

14 v.

15 LEXJET CORP., ET AL.

16 Defendant.
17

CASE NO. C 08-02596 JF

**REQUEST FOR CONTINUANCE OF
INITIAL CASE MANAGEMENT
CONFERENCE AND [PROPOSED] ORDER**

Initial CMC: September 12, 2008

18
19 Plaintiff Hewlett Packard Company ("HP") submits this Request for Continuance of the
20 Initial Case Management Conference scheduled for September 12, 2008.

21 HP filed a complaint for patent infringement against Defendants Lexjet Corp. and LexJet
22 Southern California, LLC on May 22, 2008. In its complaint, HP asserts that Defendants infringe
23 two HP patents relating to ink-jet inks. One of these patents, U.S. Patent No. 5,116,409, was the
24 subject of a prior litigation between HP and another defendant in this district. *See* Case No. 94-
25 20647. This prior case proceeded through trial in front of Judge Ware, with a final judgment
26 entered in 2000.

27 In order to facilitate resolution of this matter, HP has not yet formally served the
28 complaint on Defendants (the deadline for service of the complaint is September 19, 2008).

1 However, the parties have been in active settlement negotiations during this period. Because the
2 complaint has not yet been served and Defendants have not yet appeared, HP requests a
3 continuance of the Initial Case Management Conference scheduled for September 12, 2008, until
4 at least October 24, 2008. If settlement negotiations are unsuccessful, HP will serve the
5 complaint by September 19, 2008. An extension until October 24 would allow Defendants time
6 to respond to the complaint and the parties time to meet and confer pursuant to Rule 26(f).

7 Dated: August 29, 2008

FENWICK & WEST LLP

8
9 By: /s/ Heather N. Mewes

10
11 Attorney for Plaintiff
12 HEWLETT PACKARD COMPANY

13 **ORDER**

14 Having considered the above Request for Continuance of Case Management Conference
15 and good cause appearing therefore:

16 IT IS SO ORDERED.

17
18 DATED: _____

19
20 _____
21 The Hon. Jeremy Fogel
22 United States District Judge
23
24
25
26
27
28

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO